

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Revision of the Commission's Rules to)	CC Docket 94-102
Ensure Compatibility with Enhanced 911)	
Emergency Calling Systems)	
)	
Request of Verizon Wireless for Limited)	WT Docket 05-301
Waiver of GPS Handset Penetration Rule)	

**COMMENTS OF CENTENNIAL COMMUNICATIONS CORP.
ON VERIZON WIRELESS'S REQUEST FOR LIMITED WAIVER**

Centennial Communications Corp. ("Centennial"), by its attorneys, hereby submits its comments in support of the above-captioned Request of Verizon Wireless for Limited Waiver ("Petition"),¹ in response to the Wireless Telecommunications Bureau's Public Notice of October 21, 2005.² Verizon Wireless seeks a limited waiver or extension of the GPS handset penetration rule at 47 C.F.R. § 20.18(g)(i)(v). As discussed more fully below, the Petition amply demonstrates good cause for the relief sought, outlines a clear path to full compliance by each carrier, and shows that grant of the Petition is consistent with the Commission's Phase II E911 implementation plan and will ultimately serve the public interest.

¹ Verizon Wireless Request for Limited Waiver, CC Dkt. No. 94-102 (Oct. 17, 2005) (Verizon Wireless Request).

² Public Notice, DA 05-2760 (Oct. 21, 2005).

I. Background of Centennial

Through five different subsidiaries,³ Centennial holds licenses to provide digital cellular and PCS service in 33 markets in the Midwest and Southern United States. Centennial provides cellular service in the following six states: Indiana, Louisiana, Michigan, Mississippi, Ohio and Texas. In addition, Centennial Puerto Rico License Corp., a subsidiary of Centennial, holds the B block broadband PCS license for MTA 25 – Puerto Rico/US Virgin Islands.

On November 3, 2005, Centennial submitted a Request for Limited Waiver/Extension of Location-Capable Handset Deadline on behalf of a subsidiary, Centennial Puerto Rico License Corp. In its Request, Centennial seeks a one-year extension of the 95% handset penetration deadline imposed by 47 C.F.R. § 20.18(g)(i)(v), until December 31, 2006, with respect to Centennial's operations in Puerto Rico.

II. Waiver Standard

Under Section 1.3 of the Rules, the relevant sections of Title 47 “may be suspended, revoked, amended, or waived *for good cause shown*, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter.”⁴ Additionally, Rule 1.925 regarding wireless telecommunications services, specifically, allows the grant of waiver requests if:

(i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; *or*

(ii) [i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.”⁵

³ Bauce Communications of Beaumont, Inc., Centennial Michiana License Company LLC, Centennial Southeast License Company LLC, Elkhart Metronet, Inc. and Lafayette Cellular Telephone Company.

⁴ 47 C.F.R. § 1.3 (emphasis added).

⁵ 47 C.F.R. § 1.925(b)(3) (emphasis added).

Citing Rule 1.3, the Commission has noted that “[i]n the case of E911,” there may be instances where “technology-related issues or exceptional circumstances may mean that deployment of Phase II” would not be possible by a deadline, prompting individual waiver requests.⁶ In those circumstances, E911 waiver requests should be “specific, focused and limited in scope,” with a “clear path to full compliance” with the rule at issue.⁷ “If deployment is scheduled but for some reason must be delayed, the carrier should specify the reason for the delay and provide a revised schedule.”⁸ Moreover, “[i]f a carrier’s preferred location solution is not available or will not fully satisfy the rules, . . . the carrier would be expected to implement another solution that does comply with the rules.”⁹

III. Petitioner Demonstrates Good Cause for Granting a Limited Waiver

Verizon Wireless has made considerable promotional efforts to persuade its customers to switch to GPS-capable handsets. However, the evidence shows that its “legacy” customers are not replacing their existing handsets in large numbers.¹⁰ As Verizon Wireless notes in its Petition, the 95% penetration requirement at Section 20.18(g)(1)(v) is *unique* among the Commission’s E911 handset-based system deadlines because it depends on the willingness of customers to upgrade their cellular phones.¹¹

The proposal of Verizon Wireless for a short, six-month extension of the December 31, 2005 deadline to June 30, 2006 is specific and limited in scope, and is intended to bring about full compliance with the 95% penetration requirement as soon as feasible.

6 *Fourth Memorandum Opinion and Order*, ¶ 43.

7 *Id.* at ¶ 44.

8 *Id.*

9 *Id.*

¹⁰ Verizon Wireless Request at 17-21.

IV. Petitioner Outlines a Clear Path to Full Compliance

Verizon Wireless has demonstrated, through compliance with FCC rules and policy, its commitment to making E911 a reality in its service areas. As Verizon Wireless details in its Petition, it has met *all* of the Commission's interim deadlines set forth in the Verizon Wireless Waiver Order,¹² with respect to the roll-out of E911 handsets.¹³ Having reached 91% penetration as of its filing date, and with reasonable, documented expectations of meeting 93% penetration by December 31 of this year, Verizon will have substantially complied with the requirement by the end of the year and is already on a path to full compliance in the near future. Verizon Wireless's considerable promotional efforts appear targeted at ensuring that it can reach the 95% penetration requirement as expeditiously as possible.¹⁴ Moreover, the carrier's proposal to continue to submit quarterly reports on a voluntary basis after the requirement terminates on February 1, 2006 provides ample incentive for Verizon Wireless to continue to make progress towards 95% penetration, and will allow the Commission to continue monitoring its progress towards that goal during the six-month extension period.¹⁵

V. Grant of a Limited Waiver Would Serve the Public Interest

Strict enforcement of the December 31, 2005 deadline for 95% penetration would not serve – but would instead countermand – the public interest.¹⁶ The Phase II benchmarks and

¹¹ *Id.* at 1.

¹² See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Request for Waiver by Verizon Wireless, *Order*, FCC 01-299 (2001), *aff'd on recon.*, *Order*, 18 FCC Rcd. 21838 (2003).

¹³ Verizon Wireless Request at 2-3.

¹⁴ *Id.* at 6-8, 25.

¹⁵ *Id.* at 30-31.

¹⁶ Indeed, as Verizon Wireless notes in its Petition, the Commission recognized this when it modified the requisite subscriber penetration rate from 100% to 95% in the Fourth MO&O, ¶ 36. *Id.* at 29.

E911 requirements generally were intended to enable deployment of E911 emergency services to cellular users as quickly as possible through advanced location techniques.

However, as Verizon Wireless demonstrated in its Petition, its roll-out of GPS-capable handsets has outpaced the Phase II readiness of PSAPs in the communities served by the carrier.¹⁷ The only way for it to achieve 95% penetration by the December 31, 2005 deadline would be for the carrier to force customers to switch out their existing handsets for GPS-capable models.¹⁸ Because many of these customers are in communities – or would use E911 services in communities – that are not Phase II ready, the public interest would not be served by forced product substitution, an action Verizon Wireless correctly depicts as “unprecedented” by the Commission.¹⁹

CONCLUSION

For the foregoing reasons, Centennial supports the request of Verizon Wireless seeking relief from the December 31, 2005 deadline for compliance with 47 C.F.R. § 20.18(g)(1)(v).

Respectfully submitted,

Centennial Communications Corp.

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November 3, 2005

¹⁷ *Id.* at 11-14, 28.

¹⁸ *Id.* at ii.

¹⁹ *Id.* at 29-30.

CERTIFICATE OF SERVICE

I, Julie Gordy, do hereby certify on this 3rd day of November, 2005 that a true and correct copy of the foregoing Request of Centennial Communications Corp. for Limited Waiver / Extension of Location-Capable Handset Penetration Deadline has been sent electronically to each of the individuals identified below.

/s/ Julie Gordy
Julie Gordy

By: ECFS

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